In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.1476 of 2006.

Date of decision:16.10.2006.

Surinderpal Singh and another.

...Petitioners.

Versus

Amarjit Singh and others.

...Respondents.

...

Coram: Hon'ble Mr.Justice S. N. Aggarwal.

...

Present: Mr.S.S.Swaich Advocate for the petitioners.

Mr.Rakesh Chopra Advocate for the respondent Nos.1 and 2.

...

Judgment.

S. N. Aggarwal, J.

Respondent Nos.1 and 2 have appeared through Mr.Rakesh Chopra, Advocate. Learned counsel for the petitioners submits that respondent Nos.3 and 4 are proforma respondents and service on them be dispensed with. Service on respondent Nos.3 and 4 is dispensed with.

Mr. Swaich submits that the petitioners were the defendants in the learned trial Court. Their evidence was closed by the learned trial Court vide order dated 6.3.2006. Further submits that if one

opportunity is granted to the petitioners on payment of costs, they will produce their evidence and close the same at their own responsibility. Further submits that one police official is to be summoned with record and the petitioners may avail the process of the Court for getting the summons and they will serve the witness at their own responsibility. Further submits that the next date fixed in the learned trial Court is 17.10.2006.

Learned counsel for contesting respondents submits that the petitioners had intentionally failed to produce and close their evidence and,therefore, this petition should be dismissed.

After considering the submissions advanced before me, it is in the interest of justice that one opportunity should be granted to the petitioners to produce their evidence at their own responsibility and close the same. However, if prayed by the petitioners, summons of one witness be given to them **Dasti** and the petitioners will serve that witness at their own responsibility. This opportunity is granted on payment of costs of Rs.2,000/-. The parties would appear in the learned trial Court on 17.10.2006 on which date the petitioners would make payment of costs for onward payment to Amarjit Singh and Manjit Singh, contesting respondents. On that date, the learned trial Court shall further grant one opportunity to the petitioners to produce their evidence and shall give **Dasti** summons to the petitioners for effecting service on the police official and the petitioners would effect service on the summoned witness at their own responsibility. If the summons are

not served or the summoned witness does not appear inspite of service, then it will be the responsibility of the petitioners alone. If the petitioners fail to make payment of costs or fail to produce and close their evidence, as stated above, then they will not be entitled to any further adjournment.

This Civil Revision is disposed of in the above terms.

Dasti on payment of usual charges.

October 16,2006. (S. N. Aggarwal)
Jaggi Judge